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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-05068 (SMB)

Plaintiff,

v.

D. STONE INDUSTRIES, INC. PROFIT
SHARING PLAN; and DANIEL STONE,
and SUSAN STONE, individually and in their
capacities as trustees of D. Stone Industries, Inc.
Profit Sharing Plan,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITH PREJUDICE AS TO SUSAN STONE
AND WITHOUT PREJUDICE AS TO THE REMAINING DEFENDANTS**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel Baker Hostetler LLP, and the remaining defendants, D. Stone Industries, Inc. Profit Sharing Plan, Daniel Stone, and Susan Stone (“Defendants,” together with the Trustee, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree to the following:

1. On November 12, 2010, the Trustee commenced this adversary proceeding against, *inter alia*, Defendants.
2. On January 17, 2014, Defendants served an answer on the Trustee.
3. On April 9, 2018, the Trustee’s claims against Michael Stone were dismissed with prejudice.
4. Defendant Daniel Stone died on or about October 18, 2018.
5. In reliance on the representations made by Defendants’ counsel regarding the remaining assets of Defendants, including that the Defendant D. Stone Industries, Inc. Profit Sharing Plan was terminated, a final tax return was filed and the plan does not hold any assets, the Trustee in the exercise of his due and deliberate discretion has determined to dismiss the Adversary Proceeding without prejudice as to Defendants Daniel Stone and D. Stone Industries, Inc. Profit Sharing Plan and with prejudice as to Defendant Susan Stone.
6. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate to a dismissal without prejudice of

the Trustee's claims against Defendants Daniel Stone and D. Stone Industries, Inc. Profit Sharing Plan and with prejudice as to Defendant Susan Stone in the above-captioned adversary proceeding and dismissing the adversary proceeding.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: April 10, 2019

BAKER & HOSTETLER LLP

By: /s/ Brian W. Song
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*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
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*Attorneys for Defendants D. Stone
Industries, Inc. Profit Sharing Plan, Daniel
Stone (deceased), and Susan Stone*

SO ORDERED

Dated: April 10th, 2019
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE